

OFFICIAL COPY

Fresno, California

June 10, 2003

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember - arrived shortly thereafter
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Cindy Hamby, Deputy City Clerk

Councilmember Mike Dages gave the invocation and led the Pledge of Allegiance to the Flag. There was a moment of silence for the passing of former Councilmember Curtis Nagel.

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PROCLAMATION OF "PURPLE HEART POSTAGE STAMP DAY" - MAYOR AUTRY AND ALL COUNCILMEMBERS
PRESENTATION BY THE AMERICAN LUNG ASSOCIATION OF THE "GOLDEN LUNG AWARD" TO THE POLICE DEPARTMENT

Councilmember Duncan left the meeting at 8:43 a.m. and returned at 8:49 a.m.

PROCLAMATION OF "FALCON CLEANERS DAY" - COUNCILMEMBER DAGES

PROCLAMATION OF "MEN WHO COOK AND SOME WHO DON'T DAY" - ACTING PRESIDENT CASTILLO

The above proclamations/presentation read and presented.

APPROVE CITY COUNCIL MINUTES OF JUNE 3 & 5, 2003

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the minutes of June 3 and 5, 2003, approved as submitted.

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COUNCILMEMBER REPORTS AND COMMENTS

COMMENDATION TO PUBLIC WORKS DEPARTMENT FOR REPAVEMENT OF WINERY AVENUE BY HOME DEPOT AND THANKS EXPRESSED TO COMMUNITY SANITATION SUPERVISOR LIM FOR OUTSTANDING PERFORMANCE IN GRAFFITI REMOVAL - COUNCILMEMBER DAGES

Commendation made.

COMMENDATION TO PARKS AND RECREATION DEPARTMENT FOR THE TRANSITION OF THE NEW ORDINANCE PERTAINING TO HELMETS AT THE SKATEPARK- COUNCIL PRESIDENT BOYAJIAN

Commendation made.

COMMENDATION TO PARKS AND RECREATION FOR THE COMPLETION OF THE REMODELING OF FIRE STATION 13 AND THE POCKET PARK - COUNCILMEMBER DUNCAN

Commendation made.

COMMENDATION TO THE FIRE DEPARTMENT AND INTERIM FIRE CHIEF ARANAZ FOR PUTTING OUT NUMEROUS FIRES IN DISTRICT THREE - COUNCILMEMBER STERLING

Commendation made. City Manager Hobbs expressed appreciation to the Councilmembers for acknowledging City staff.

COMMENDING AN UN-NAMED CITY STAFF MEMBER FOR CLEANING AND MAINTAINING THE DOWNTOWN AREA - ACTING PRESIDENT CASTILLO

Commendation made.

APPROVE AGENDA:

(3C) RESOLUTION REQUESTING SUPPORT FOR THE IN-HOME SUPPORTIVE SERVICES - COUNCILMEMBER PEREA

With Council consensus the above listed item was scheduled for 11:00 a.m.

(3A) DISCUSSION REQUESTING COUNCIL APPROVAL OF DIAMOND SPORTS BAR'S SALE OF CASINO ASSETS TO CLUB ONE - ACTING PRESIDENT CASTILLO

1. * BILL - (FOR INTRODUCTION) - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO INCREASING THE ALLOWABLE NUMBER OF CARD TABLES PER CARD ROOM

With Council consensus the above listed item was scheduled for 10:45 a.m.

Councilmember Calhoun expressed concern with City Council items being given a time and stated he will be bringing forward a change in the rules of procedure in the near future.

On motion of Acting President Castillo, seconded by Councilmember Sterling duly carried, **RESOLVED**, the **AGENDA** hereby approved as amended, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

DISCUSSION OF SCHEDULING A MEETING WITH THE MADERA COUNTY BOARD OF SUPERVISORS

City Clerk Klisch reviewed the history of scheduling a joint meeting with the City of Madera Board of Supervisors and stated the Board recommended the meeting be scheduled for July 29, 2003. Councilmember

Calhoun stated a City committee meeting needed to be held prior to the joint meeting and recommended scheduling the joint meeting in September or October. Acting President Castillo requested the City Clerk check with Madera to see if they had received his recommendations and a list of topics he would like to discuss.

After brief discussion, Council concurred to set the meeting on September 23, 2003, and Ms. Klisch confirmed the committee members would meet to establish the agenda.

ADOPT CONSENT CALENDAR:

(1A) APPROVE AN AGRICULTURAL LEASE AGREEMENT WITH THE QUIST DAIRY, A CALIFORNIA PARTNERSHIP (QUIST), FOR 401 ACRES OF CITY-OWNED PROPERTY AT THE REGIONAL WASTEWATER RECLAMATION FACILITY; AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO EXECUTE THE LEASE AGREEMENT ON BEHALF OF THE CITY, INCLUDING UP TO TWO ONE-YEAR EXTENSIONS SHOULD IT BE DETERMINED THAT SUCH ACTION IS MUTUALLY BENEFICIAL TO THE CITY AND QUIST - DEPT. OF PUBLIC UTILITIES

(1B) AWARD A CONTRACT TO PIONEER EQUIPMENT COMPANY OF FRESNO IN THE AMOUNT OF \$166,558.84 FOR ONE (1) 375 HP AG TRACTOR - GENERAL SERVICES DEPT.

(1C) REJECT SINGLE BID FROM BILL NELSON GENERAL ENGINEERING CONSTRUCTION INC., OF FRESNO IN THE AMOUNT OF \$57,720 FOR INSTALLATION OF AN 8-INCH WATER MAIN FOR MARIPOSA STREET, FLORADORA TO LAMONA AVENUE AND DIRECT STAFF TO REBID THE PROJECT AND ACTIVELY SEEK INCREASED BIDDER PARTICIPATION - GENERAL SERVICES DEPT./DEPT. OF PUBLIC UTILITIES

(1D) AWARD A CONTRACT TO SPINIELLO COMPANIES OF MORRISTOWN, NEW JERSEY IN THE AMOUNT OF \$1,841,980 FOR CIPP LINER AND RELATED IMPROVEMENTS FOR HERNDON INTERCEPTOR CAPACITY ENHANCEMENTS - GENERAL SERVICES DEPT./PUBLIC WORKS DEPT.

(1E) * BILL NO. B-46 - (FOR INTRODUCTION) - AMENDING SECTIONS OF THE UNIFORM FIRE CODE, 2001 EDITION, AS AMENDED BY THE STATE OF CALIFORNIA, 2001 EDITION, AND FRESNO MUNICIPAL CODE CONCERNING WOOD PRODUCTS AND RELATED MATERIALS STORAGE - FIRE DEPARTMENT

(1F) RESOLUTION NO. 2003-172 - DEDICATING CERTAIN CITY-OWNED PROPERTY FOR PUBLIC STREET PURPOSES, PROPERTY LOCATED BETWEEN VALENTINE AVENUE AND THE SOUTHERN PACIFIC RAILROAD OVERCROSSING - PUBLIC WORKS DEPT.

(1G) AUTHORIZE STAFF TO NEGOTIATE AND ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BOYLE ENGINEERING CORPORATION FOR A NITRATE MANAGEMENT PLAN (PLAN) - PUBLIC WORKS DEPT.

(1H) RESOLUTIONS PERTAINING TO THE CITY OF FRESNO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 - PUBLIC WORKS DEPT.

1. RESOLUTION NO. 2003-173 - INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENT FOR THE CITY OF FRESNO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1

2. RESOLUTION NO. 2003-174 - TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR THE CITY OF FRESNO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1

(1J) RESOLUTION NO. 2003-177 - APPROVING THE FINAL MAP OF TRACT NO. 4682 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; A 107-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION WITH TWO (2) OUTLOTS ON APPROXIMATELY 24.51 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF E. GROVE AVENUE BETWEEN S. PEACH AND S. MINNEWAWA AVENUES - **(PROPERTY LOCATED IN COUNCIL DISTRICT 5)** - PLANNING AND DEVELOPMENT DEPT.

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY DRAINAGE FACILITIES
2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN; STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR FRONT YARD TREES; STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPING AND MAINTAINING AN OPEN SPACE AREA AND STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR RIGHT TO FARM

(1K) RESOLUTION PERTAINING TO LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM APPLICATION - HOUSING, ECONOMIC AND COMMUNITY DEVELOPMENT

1. RESOLUTION NO. 2003-176 - AUTHORIZING CITY MANAGER TO SUBMIT LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM APPLICATION TO U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND AUTHORIZING CITY MANAGER, UPON CITY ATTORNEY'S APPROVAL, TO SIGN ALL NECESSARY DOCUMENTS AND AGREEMENTS TO IMPLEMENT THE GRANT, IF AWARDED

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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CONTESTED CONSENT CALENDAR:

(1I) * RESOLUTION NO. 2003-177 -86TH AMENDMENT TO THE AAR NO. 2002-216 APPROPRIATING \$250,000 IN ADDITIONAL REVENUES FOR VOLUNTARY OVERTIME FOR THE POLICE DEPARTMENT (*REQUIRES 5 AFFIRMATIVE VOTES*)

City Manager Hobbs stated that the purpose of this item was to provide police services at different events in the community and noted it was a 100% cost recovery. Acting President Castillo expressed concern that no liability costs were being paid for by the private firms and stated if the Police Officer was injured during a private event, the officer would not be available to work for the City of Fresno and questioned the number of officers who were off duty or on light duty due to working at a private event. Assistant City Manager Souza stated he would provide the requested information with City Attorney Montoy stating her office would review the contracts and the Memorandum of Understanding (MOU) with FPOA. **(2-0)** Acting President Castillo stated the City would be depleting their resources if a number of officers were injured and would like to see the officers return to the duties they were sworn to do and reiterated his concern with Police Officers working at special events that do not benefit the community.

Councilmember Duncan stated the Contract Law Enforcement Program was a very important program that helps fill-in gaps at no cost to the City and noted how the Dominion has benefitted greatly from the service and made a motion to adopt the above listed resolution which was acted upon after further discussion.

Acting President Castillo questioned the amount of entities the City had a contract with to allow policing services with Deputy Chief Fifiield responding. Acting President Castillo stated he would like the item laid over one week to allow staff to meet with entities and investigate whether they would be willing to provide more coverage for the officers.

Mr. Souza requested Council adopt the resolution today and staff would provide information to Council at the June 24th meeting relating to options on how to address the Workers Compensation issue as it related to the ordinance, and at that time would also provide the number of officers injured or on light duty.

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2003-177 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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PUBLIC COMMENT PERIOD

UNSCHEDULED ORAL COMMUNICATION

Gloria Torrez (address not given) discussed the City Clerk's Office and General Services Department. No action taken.

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(9:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council met in joint session with the Redevelopment Agency at the hour of 9:35 a.m.

APPROVE AGENCY MINUTES OF JUNE 3, 2003

On motion of Councilmember Sterling, seconded by Acting President Castillo, duly carried, RESOLVED, the minutes of June 3, approved as submitted.

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(A) CONTINUED HEARING TO CONSIDER ACTIONS RELATING TO THE APPROVAL AND ADOPTION OF THE PROPOSED FREEWAY 99-GOLDEN STATE CORRIDOR BOULEVARD REDEVELOPMENT PLAN

Continued to June 17, 2003 at 9:30 a.m.

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(B) REQUEST STATUS ON UPTOWN ARTS DISTRICT STREETSCAPE PROJECT - COUNCILMEMBER PEREA

Redevelopment Administrator Murphey reviewed the status, stated construction was to begin in June, 2003, for the project located on Van Ness between Tuolumne and Amador and apologized for the project being delayed to October, 2003. Ms. Murphey noted the design consisted of a combination of hardscape and landscape and expressed the importance of delivering a design complimentary to the uptown area.

Councilmember Calhoun stated it was a linkage of downtown to other areas of the City, expressed his frustration because nothing had been done and stressed if there was another delay, he would vote to kill the project.

Councilmember Perea stated the project was a very good one, but also expressed his frustration, stating the project was approved two years ago with Ms. Murphey explaining some of the issues that had arisen. Mr. Perea

stated he would like to be kept informed and if there were any more problems, Council would get involved to make sure the project started in October with Councilmember Duncan concurring. No action taken. Councilmember Calhoun left the meeting at 9:42 a.m. and returned at 9:57 a.m.

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The joint bodies adjourned their meeting at 9:44 a.m.

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(2A) * BILL NO. B-43 - ORDINANCE NO. 2003-45 (INTRO. 6/3/2003) - (FOR ADOPTION) - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO PROTECTED AND UNPROTECTED STRIKES AND WORK STOPPAGES - PERSONNEL SERVICES DEPT./CITY ATTORNEY'S OFFICE

City Attorney Montoy stated this was a housekeeping issue that was brought up due to the last negotiations with Local 39 and to ensure the City was in compliance with State law.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Ordinance No. 2003-45 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(2B) * RESOLUTION NO. 2003-178 - TO APPROPRIATE \$1,392,720 FOR THE PURPOSE OF PAYING THE 2003 REIMBURSEMENT DUE CALCOT LTD. FOR IMPROVEMENTS UNDERTAKEN AS PART OF A DEVELOPMENT AGREEMENT APPROVED FEBRUARY 4, 1997, AND DECLARING ITS INTENT TO REIMBURSE ITSELF FROM PROCEEDS OF CITY INCURRED INDEBTEDNESS - PUBLIC WORKS DEPT.

Assistant Public Works Director Kirn gave a brief review of the staff report and recommended approval.

Gloria Torrez (address not given) spoke to the issue.

Acting President Castillo questioned who monitored the contract for compliance with Mr. Kirn responding. Acting President Castillo stated that the purpose of the project was to bring in new businesses with brief discussion ensuing and Acting President Castillo recommended an analysis of what kind of taxes have been collected for the purpose of paying the debt in full. Councilmember Calhoun stated new businesses have been developed and can be documented for the area.

A motion to adopt the above-listed resolution and acted upon after brief discussion.

Acting President Castillo questioned the \$5.1 million indebtedness with Mr. Kirn responding. Assistant City Manager Souza stated the action being taken today would not move the bonding issue forward. Council President Boyajian expressed his support and questioned the issuance of bonds and pensions bonds with Mr. Souza stating information would be provided to Council.

On motion Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2003-178 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(10:00 A.M.) CONTINUED HEARING TO CONSIDER PLAN AMENDMENT APPLICATION NO. A-01-13, REZONING APPLICATION NO. R-01-16 AND ENVIRONMENTAL FINDINGS, FILED BY KRAZAN AND ASSOCIATES ON BEHALF OF MARGARET JENSEN, FOR 6.5 ACRES LOCATED ON THE SOUTH SIDE OF W. HERNDON AVENUE AT THE N. HAYES AVENUE ALIGNMENT - **(PROPERTY LOCATED IN COUNCIL DISTRICT 2)**

1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-13, R-01-16

2. RESOLUTION NO. 2003-179 - AMENDING THE 2025 FRESNO GENERAL PLAN AND BULLARD COMMUNITY PLAN

3. BILL NO. B-46 - ORDINANCE NO. 2003- 46 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE AE-5/UGM AND R-2/UGM ZONE DISTRICTS TO THE C-P/EA/UGM/CZ ZONE DISTRICT

Council President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Planner Braun gave a brief overview of the staff report and recommended approval.

(3-0) Al Solis, Krazan and Associates, spoke briefly in support of the issue. Councilmember Calhoun stated the project was done very well and made a motion to approve which was acted upon after further discussion. Council President Boyajian questioned how the widening of Herndon Avenue would be paid for and expressed concern as to why the developer doesn't pay impact fees with Planning Manager Haro responding.

Acting President Castillo requested information be provided to him relating to the total cost involved with the widening of Herndon Avenue.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call no one else wished to be heard and Council President Boyajian closed the hearing. Acting President Castillo left the meeting at 10:16 a.m.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the Mitigated Negative Declaration for Environmental Assessment No. A-01-13, R-01-16, dated April 15, 2003, hereby approved, the above entitled Resolution No. 2003-179 hereby adopted and Bill No. B-46 rezoning the subject property from the AE-5/UGM zone district to the R-2/UGM zone districts to the C-P/EA/UGM/cz zone district, subject to the condition that the project be developed with a mixed use project proposing office, retail commercial, and multiple-family residential uses in roughly the same proportions throughout the site adopted as Ordinance No. 2003-46, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling
Noes : Boyajian
Absent : Castillo

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(10:10 A.M.) CONTINUED HEARING TO CONSIDER PLAN AMENDMENT APPLICATION NO. A-01-14, REZONING APPLICATION NO. R-01-17 AND ENVIRONMENTAL FINDINGS, FILED BY KRAZAN AND ASSOCIATES ON BEHALF OF MARGARET JENSEN, FOR 7.75 ACRES LOCATED ON THE SOUTHEAST CORNER OF N. BRYAN (RIVERSIDE DRIVE) AND W. SPRUCE AVENUES (JOSEPHINE AVENUE) - *(PROPERTY LOCATED IN COUNCIL DISTRICT 2)*

1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. -01-14, R-01-17

2. **RESOLUTION NO. 2003-180** - AMENDING THE 2025 FRESNO GENERAL PLAN AND BULLARD COMMUNITY PLAN

3. **BILL NO. B-47 - ORDINANCE NO. 2003 -47** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE AE-5/EA/UGM ZONE DISTRICT TO THE C-R/UGM ZONE DISTRICT

Council President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Planner Sanchez gave an extensive overview of the staff report and recommended approval.

Al Solis, Krazan and Associates, reviewed the issue and recommended approval. Acting President Castillo returned to the meeting at 10:21 a.m.

Councilmember Calhoun commended all parties involved and stated the project was very good use of the land along with tying it in with the Riverside Golf Course. Councilmember Calhoun discussed an area he referred to as "Herndon Town" stating this development would assist in improving Herndon Town and made a motion to approve the project.

Council President Boyajian questioned the traffic problems on Herndon Avenue with Planning Manager Haro responding.

Barbara Hunt, 2475 S. Walnut, spoke on the issue.

Upon call no one else wished to be heard and Council President Boyajian closed the hearing.

Councilmember Calhoun explained the role of the Planning Commission versus District Committees and stated committees are volunteers, and prior to developers bringing the project the Council, these committees have changed or adjusted the plans and concluded by expressing appreciation to the committees for their time and effort.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, **RESOLVED**, the Mitigated Negative Declaration for Environmental Assessment No. A-01-14, R-01-17, dated April 15, 2003, hereby approved, the above entitled Resolution No. 2003-180 hereby adopted and Bill No. B-47 to rezone the subject property from the AE-5/EA/UGM zone district to the C-R/UGM zone district hereby adopted as Ordinance No. 2003-47, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(10:30 A.M.) PRESENTATION BY HARLAN KELLY AND FLOYD HARRIS RELATING TO YAHWEH'S RECYCLING AND GREEN'S RECYCLING - COUNCILMEMBER STERLING

Harlan Kelly discussed three dumping sites at length, stating one was as high as it was wide, the second dump site called Lincoln Heights had a sign posted stating "contamination" that posed a dangerous situation due

to a soccer field located next to the site and discussed the odors of the packing and slaughter houses. Mr. Kelly stated he would be willing to help the City rectify the commercial property owners who are violating City and State ordinances and would like other districts to join. A video was presented showing the various dumping sites within the City.

(4-0) Councilmember Sterling thanked Mr. Kelly for the presentation and stated the City would have serious issues to face if the commercial property owners are allowed to continue operating while still violating City codes. Councilmember Sterling stated District 3 was very much effected by the violations and noted she would continue to inform Council of what was going on in her District.

Councilmember Perea proposed that the City, County and State officials work together to evaluate all the City dumps and recycling centers to see if they are up to code with Planning and Development Director Yovino stating a Code Enforcement Strike Team needed to be created and since the Crippen Fire, the team is presently being put together.

City Attorney Montoy stated the Mayor's Task Force recommendations were being implemented by enforcing the existing laws and creating new laws for dump sites and recycling centers and reviewed the status of various cases that have been filed.

Acting President Castillo questioned if there was a policy where Code Enforcement could act immediately with Ms. Montoy responding. City Manager Hobbs stated the City is working to move more expeditiously so as to take stronger action if someone is in violation and noted that through the Mayor's Task Force recommendation there is an umbrella ordinance that will strengthen the City's positions. Code Enforcement Manager Villa stated Code Enforcement is working monitor all the sites mentioned. Mr. Hobbs reviewed various steps the City has performed and expressed frustration as to the monitoring of each step.

Council President Boyajian questioned whether there was a Citizens' Corps in effect with Mr. Villa responding that a training program is being developed to educate citizens who could possibly follow-up on situations when Code Enforcement does not have the time and elaborated.

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(3A) DISCUSSION REQUESTING COUNCIL APPROVAL OF DIAMOND SPORTS BAR'S SALE OF CASINO ASSETS TO CLUB ONE - ACTING PRESIDENT CASTILLO

1. * BILL NO. B-48 - (FOR INTRODUCTION) - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO INCREASING THE ALLOWABLE NUMBER OF CARD TABLES PER CARD ROOM

Assistant City Manager Souza reviewed the bill being introduced and noted the current ordinance limits the tables to 40 and the amendment would change to amount to 49. Mr Souza also noted two factors involved as to the structure of the Master Fee Schedule and the decrease in policing.

Barbara Hunt, 2475 S. Walnut spoke to the issue. John Cardot, Wild, Carter and Tipton, reviewed a Professional Code Section and the contract with Club One. Lowell T. Carruth, McCormick, Barstow, Sheppard, Wayte & Carruth, agreed with the amendment and encouraged Council to adopt the ordinance.

Acting President Castillo stated he placed this item on the agenda because of the amount of revenue it would generate for the City and recommended using that extra revenue to pay off the baseball stadium and questioned whether only one amendment could be made to the cardroom ordinance with City Attorney Montoy responding.

Discussion ensued regarding whether all 49 tables would have to be in operation and Councilmember Dages would like to see a condition in the ordinance that all 49 tables are in operation.

On motion Acting President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Bill No. B-48 introduced and laid over, by the following vote:

Ayes	:	Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	Calhoun
Absent	:	None

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(3C) RESOLUTION 2003-181 - REQUESTING SUPPORT FOR THE IN-HOME SUPPORTIVE SERVICES - COUNCILMEMBER PEREA

Councilmember Perea reviewed the history of wages earned by home care providers and stated the County of Fresno should take full advantage of Federal and State funds to provide higher wages and noted that although this was a County issue, many of the home care providers live within the City and felt it was part of the City's elected officials responsibilities to show support and made a motion to adopt the above listed resolution.

(5-0) Lisa Brown, 1114 N. Farris Avenue, representing home care providers, stated the providers had been in negotiations with the County for over a year and requested Council's support.

Councilmember Calhoun expressed concern with the matter being a County issue and stated it was inappropriate for the City to get involved with County negotiations with Councilmember Duncan concurring.

Councilmember Sterling stated the City was moving forward in a proactive way and Council should be supportive of the resolution, and noted she would be in contact with the County.

Acting President Castillo gave a brief review of various issues the City and County worked jointly on and expressed his support of the resolution. Councilmember Perea reiterated his request to support the resolution and stated that by supporting the resolution he did not feel it would effect the relationship with the County. Council President Boyajian expressed concern due to the fact he did not have knowledge of the contract nor any changes made.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2003-181 hereby adopted, by the following vote:

Ayes	:	Castillo, Dages, Perea, Sterling
Noes	:	Calhoun, Duncan, Boyajian
Absent	:	None

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(3B) DISCUSSION TO CONSIDER COUNCIL DIRECTION TO ESTABLISH A FRESNO COUNTY JOINT PURCHASING CENTER - COUNCILMEMBER CALHOUN

Councilmember Calhoun reviewed the item and requested staff to consider, look at and talk with other entities such as the County and State that do purchasing and recommended looking into the possibility of a County-wide purchasing agency and elaborated.

Purchasing Manager Taggart reviewed various areas of the City who have increased volumes of purchasing and stated there are areas where the City participates in the sharing of purchasing with outside agencies.

Councilmember Calhoun requested a brief report and if there was not enough validity, then the issue would be discontinued. No action taken.

RECESS 12:08 P.M. - 1:30 P.M.

(4A) CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, GOVERNMENT CODE SECTION 54956.9(A)
1. CASE NAMES: RHONDA JACKSON V. CITY OF FRESNO, ET AL.; BOMBAY CORPORATION, ET AL. V. CITY OF FRESNO; HOWARD JARVIS TAXPAYERS ASSOCIATION V. CITY OF FRESNO; HERITAGE FRESNO, MIDGE BARRETT, V. CITY OF FRESNO, ET AL.

(4B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (B) **SIGNIFICANT EXPOSURE TO LITIGATION:**
1. CLAIM OF MICHELLE CORTEZ V. CITY OF FRESNO, ET AL. AND CLAIM OF ARCHIE AND MARION CRIPPEN

(4C) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6
CITY NEGOTIATOR(S): SEVERO ESQUIVEL, ADELA GONZALEZ AND JORGE C. AGUINIGA
EMPLOYEE ORGANIZATION(S):
1. FRESNO CITY EMPLOYEES' ASSOCIATION (FCEA)

The City Council met in closed session in Room 2125 at the hour of 1:30 p.m. to consider the above matters and adjourned thereafter.

(5) CLOSED SESSION ANNOUNCEMENTS

City Attorney Montoy announced two closed session items that were discussed and voted upon:

1. The claim of Michelle Cortez was rejected by a vote of 7 - 0
2. The claim of Archie and Marion Crippen was rejected by a vote of 7 - 0

The City Council reconvened in regular open session to continue the budget hearing at 2:44 p.m.

(1:30 P.M.) CONTINUED BUDGET HEARING ON THE FISCAL YEAR 2003-2004 CITY OF FRESNO BUDGET

- 1.* RESOLUTION - ADOPTING FY 2003-2004 CITY OF FRESNO BUDGET, INCLUDING THE COMMUNITY BLOCK GRANT (CDBG) BUDGET, AND INCLUDING THE ANNUAL APPROPRIATION RESOLUTION (AAR)
- 2.* RESOLUTION - ADOPTING THE FY 2003-2004 POSITION AUTHORIZATION RESOLUTION (PAR)
- 3.* RESOLUTION - ADOPTING THE 409TH AMENDMENT TO THE MASTER FEE SCHEDULE (MFS) RESOLUTION NO. 80-420 (ANNUAL AMENDMENT)
- 4.* BILL - *(FOR INTRODUCTION AND ADOPTION)* - ADOPTING THE PROPERTY TAX OVERRIDE (PTO) ORDINANCE
5. SELECTION OF METHODOLOGY FOR DETERMINATION OF FY 2003-2004 GANN APPROPRIATION LIMIT

6.* RESOLUTION - ESTABLISHING RULES FOR THE APPLICATION OF CITY EMPLOYEE COMPENSATION RATES AND SCHEDULES AND RELATED REQUIREMENTS, AND ESTABLISHING COMPENSATION RATES AND SCHEDULES - FY 2004 SALARY RESOLUTION

- a. PARKS & RECREATION
- b. PERSONNEL
- c. PUBLIC WORKS DEPT.
- d. CITY COUNCIL
- e. INFORMATION SERVICES DEPARTMENT

PARKS & RECREATION - CONTINUED FROM JUNE 5, 2003

Council President announced the time had arrived to consider the issue and opened the continued hearing.

Proceedings continued with Interim Parks and Recreation Director Putnam and City Manager Hobbs responding to questions of Councilmember Perea relative to the REDI Program. Mr. Putnam stated it would be necessary to reallocate services but have not yet come up with options to fund the program. Councilmember Perea stated he is committed to this program but will vote against it if it reduced park services adding he would look into possibly eliminating management positions to provide the funding. Mr. Hobbs requested clarification of what services would be cut and a list of specific parks where people would not be supervised. Councilmember Perea stated he wanted to work with Mayor Autry to include the REDI Program. Brief discussion ensued relating to eliminating management positions.

MOTION - Perea/Castillo - Reject the \$1.00 increase for the swimming pool fee for adults and reject the increase in the entrance fee to Woodward Park and Japanese Garden.

(6-0) Speaking in support of maintaining the Human Relations Commission were Michael, O'Hare, 2309 Tulare St.; Alan Cheah, 359 E. Lindbrook and Gail Gaston, Human Relations Commission member, clarified the Human Relations Commission was never under the Parks & Recreation Department. Continuing to speak in support of the Human Relations Commission were Reverent Floyd D. Harrison, 1630 W. Kearney Blvd.; Chuck Krugman, 1530 E. Vassar; Richard Stone, 181 North Yosemite; John Valentino of Tree Fresno, 541 E. Terrace; Agustin Lira, 414 N. Park; and an unidentified woman. Ms. Gaston requested Councilmember Dages amend his original motion he made to keep the Commission under the City Manager's Office, and to include "adding sufficient staff."

Upon call, no one else wished to be heard.

MOTION - Sterling/Perea - The Human Relations Commission stay in the City Manager's Office and the budget amount of \$219,400 and the staff positions of Ombudsman and Staff Assistant would remain the same.

Controller Quinto questioned prior policy requiring if a Councilmember made a motion to add an increase in funding that they also would provide information as to where the funding would come from and stated the above motion would cause a shortage of \$65,000 in the budget. Extensive discussion ensued regarding the Human Relation Commission's proposed budget amount and various fees relating to Tree Fresno.

AMENDED MOTION - Sterling/Perea - The Human Relations Commission stay in the City Manager's Office and the amended budget amount of \$159,000 and the staff positions of Ombudsman and Staff Assistant would remain the same.

(7-0) MOTION - Boyajian/Sterling - Fund Tree Fresno \$150,000 for the maintenance of median islands and remove that amount from the Parks and Recreation budget where \$342,000 was allocated to the Adult Offender Program.

Councilmember Sterling recommended providing the savings of \$37,000 from the reduced amount budgeted for Human Relations Commission to possibly fund Tree Fresno and suggested Council investigate more ways to fund Tree Fresno.

Councilmember Calhoun stated one of his motions saved \$59,000 and that savings was to fund the Coalition to Community Trails and assist Tree Fresno and elaborated.

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PERSONNEL

Personnel Director Gonzalez introduced and thanked staff. Ms. Gonzalez gave an overview of the department; discussed organizational structure; the total proposed appropriation; ratio of Human Resources Full Time Employees to Jurisdiction Full Time Employees; Human Resources Operations; Labor Relations, Organizational Development and Training; Benefits and Risk Management.

Senior Human Resources Risk Analyst Connelly spoke on Workers' Compensation claims and what has contributed to higher costs; Risk Management's Focus in reducing the number of claims; on-going safety emphasis; training; medical cost containment measures; Risk Management's role in safety and loss control; City-wide Safety Committee; the Department's role in reducing Workers' Compensation costs and Safety Program Goals.

Discussion ensued regarding the \$2.5 million in contingency fund under the Risk Management Division, with Councilmember Duncan requesting a staff presentation be made regarding the new health insurance rate. Ms. Gonzalez stated information was sent out to employees along with the necessary forms to complete. Councilmember Calhoun left the meeting at 4:38 p.m. and Councilmember Duncan left at 4:42 p.m. and both returned at 4:56 p.m.

Acting President Castillo stated he was pleased that the City was looking at PPO's the City uses and questioned what was meant by "the City of Fresno being self-insured" with Ms. Gonzalez and Mr. Connelly responding.

MOTION - Castillo/(no second) - Request the City investigate commercial insurance to possibly save money.

Extensive discussion ensued regarding retirement, filling various vacant positions, the possibility of moving Risk Management from Personnel Services Department to the City Attorney's Office, with City Manager Hobbs responding. Controller Quinto clarified a motion of Councilmember Dages by adding staff to "study" moving Risk Management to the City Attorney's Office with Councilmember Dages concurring.

AMENDED MOTION - Dages - Adding the word staff to "**study**" moving Risk Management to the City Attorney's Office.

PUBLIC WORKS DEPARTMENT

Public Works Director Ruiz reviewed the Fiscal Year 2003 accomplishments including ADA curb cuts, hiring a grant writer, the parking program and continued by reviewing the Fiscal Year 2004 budget to include a neighborhood investment climb of \$18.3 million, 600 additional curb cuts; the continuation of air quality investment, air quality projects, stated the total budget decreased by 10.8% and completed his presentation by reviewing future challenges.

Barbara Hunt, 2475 S. Walnut, spoke to the issue. Upon call, no one else wished to speak.

Ms. Ruiz, Mr. Hobbs and Ms. Quinto responded to Councilmember Calhoun's concern regarding not using the fee increases recommended by the Maximus Study. Councilmember Calhoun stated the fees have not been

increased for at least ten years and expressed concern with staff making the decisions instead of Council. Extensive discussion ensued on adjusting fees.

(9-0) Councilmember Calhoun requested the Public Works Department increase the low fee of \$2.50 being charged to senior citizens for parking versus \$7.00 for the public and to also create an incentive program to encourage people to have a full car load so they would be compensated for it. Discussion ensued on traffic, the bus system and thermal plastics.

Councilmember Duncan thanked Public Works for the Surface Water Treatment Plan and reviewed special project funds. Councilmember Duncan also stated when a homeowner's landscaping causes damage to City property, they have an option for the City to make the repairs, or hire someone to do the repairs or not repair it and questioned the possibility of taking away the option portion due to the City's liability and stated he will place the issue on a future agenda. Brief discussion ensued on speed bumps and adjusting the population signs throughout the City.

A motion of Councilmember Perea, seconded by Acting President Castillo, to continue the budget hearing to June 17, 2003, failed, by the following vote:

Ayes	:	Castillo, Perea
Noes	:	Calhoun, Dages, Duncan, Sterling, Boyajian
Absent	:	None

At 5:48 p.m. Acting President Castillo left for the remainder of the meeting. Councilmember Perea questioned the Fulton Mall Project and zero dollar permit fee with Budget Manager Smith and Assistant Public Works Director Kirn responding.

MOTION - Perea/Sterling - Amend the Master Fee Schedule to exclude residential homeowners from the permit fee.

Councilmember Perea also noted he was committed to raising the funding for concrete and street repairs from \$1.9 million to \$2.1million with brief discussion ensuing. Councilmember Dages reviewed and questioned the special gas tax.

MOTION - Dages/Duncan - Postpone Public Works Project No. 00206 of Kings Canyon and Chestnut and move the funding to install a traffic signal at Jensen and Willow for an approximate cost of \$185,000; to install a traffic signal at Jensen and Peach for an estimated cost of \$185,000; install a left turn phasing signal at Jensen and Cedar for approximately \$150,000; and fund the concrete infrastructure for sidewalks, curbs and gutters and a streetlight on Willow between Heaton and Hamilton at an estimated cost of \$179,000, and the money from these projects be reimbursed from the UGM fees as it is collected from the developers building in the area.

Council President Boyajian expressed support for linkage fees and UGM fees and questioned the policy of tree damaged sidewalks with Public Works Director Ruiz responding.

INFORMATION SERVICES DEPARTMENT

(10-0) Information Services Manager Hendricks reviewed the Fiscal Year2003 project accomplishments to include the City's website update, GIS Commercial Waste Routing Project, the revamping of department internal charges; help desk calls, the high availability of e-mail system and virus protection efficiency and concluded by briefly reviewing the Fiscal Year 2004 budget highlights.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Questions were raised relating to staying with PeopleSoft, possibly getting rid of Groupwise, and moving towards wireless with Mr. Hendricks responding. Councilmember Perea requested a report on the possibility of having a wireless connection at the Airports Department.

CITY COUNCIL

Budget Manager Smith reviewed the Council budget. Barbara Hunt, 2475 S. Walnut, spoke to the issue.

MOTION - Duncan/Boyajian - Move \$3,800 from the District 6 recurring vehicle allowance to the Fire Department

MOTION - Duncan/Calhoun - The 15% allocation of the infrastructure budget that deals with non-infrastructure items be eliminated and that 100% of the infrastructure money be moved to capital projects.

Councilmember Calhoun expressed concern with whether the Council needed an analyst, stated they went without the position being filled for six months and would like to revisit the issue next January when a new Council President is appointed.

MOTION - Perea/Dages - Exclude the fee of \$328.00 for the police review for senior citizens requesting dance permits.

MOTION - Calhoun/no second - Eliminate the City Council Analyst position effective January 1, 2004.

MOTION - Boyajian/Sterling - Increase of \$20,000 allocated for the position of the Council Analyst and to include benefits

ADJOURNMENT

There being no further business to bring before the Council, the hour of 7:03 p.m. having arrived and hearing no objection, Council President Boyajian declared the budget hearing continued to Tuesday, June 17, 2003 at 1:30 p.m. and the Council meeting adjourned.

APPROVED on the 17th day of June, 2003.

_____ ATTEST: _____	
Tom Boyajian, President	Cindy Hamby, Deputy City Clerk

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6/10/03